UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,967	01/30/2004	Sven Schwerin-Wenzel	14413-027001 / 2003P00109	4556

54975 7590 11/26/2007		EXAMINER	
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BOSTON, MA 02116-3889		2173	

MAIL DATE	DELIVERY MODE
11/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/768,967	SCHWERIN-WENZEL ET AL.
	Examiner	Art Unit	
	Andrew Tank	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 September 2007</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1 and 3-26</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1 and 3-26</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>09 August 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the amendment filed September 11, 2007. Claim 2 has been

canceled. Claims 25 and 26 have been newly added. Claims 1, 3-6, 8-19, and 21-24 have been

directly amended. Claims 1 and 3-26 are currently pending and have been considered below.

Claim Objections

2.   Applicant has successfully amended claims 1 and 3-24 to overcome the informalities

objections of June 11, 2007. The objections are withdrawn.

3.   Claim 7 is objected to for the following minor informality in line 1: "further comprising:

21". The examiner notes that this seems to be a typographical error.

Claim Rejections - 35 USC § 112

4.   Applicant has successfully amended claims 5 and 9 to overcome the indefinite-claims

rejections of June 11, 2007. The rejections are withdrawn.

Claim Rejections - 35 USC § 101

5.   Applicant has successfully amended claims 8-17 and 22-24 to overcome the non-

statutory subject matter rejections of June 11, 2007. The rejections are withdrawn.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   **Claims 1, 3-16 and 18-26** are rejected under 35 U.S.C. 102(e) as being unpatentable by

Marpe et al. (U.S. Patent 6,671,692), hereafter known as "Marpe".

Claim 1: Marpe discloses a method for managing a corporate restructuring of at least two

organizations, the method comprising:

providing a deal selection process comprising identifying acquisition objectives and

strategies and searching for one or more best fit target organization (col 53 lines 34-54:

"screening and prioritizing candidates", "selecting target(s)");

providing a transaction execution process (col 53 lines 55-57);

providing an integration planning process (col 54 lines 32);

providing an integration execution process (col 54 lines 44-45);

providing a post-integration assessment process (col 54 lines 54-56: "post-

implementation stabilization and support").

Claim 25: Marpe discloses the method as in claim 1 above, and further discloses the method

comprising presenting a user interface (col 1 lines 27-29, col 17 lines 44-58) including

information relating to consolidating customer accounts for at least one of the restructuring

organizations (col 9 lines 34-37, col 10 lines 17-21, col 18 lines 35-57); and presenting a

template in the user interface (col 34 lines 9-67, col 35 lines 1-12), wherein the template includes

a rollout template menu, a pull down window, a list of action items, and a status relating to each

action item in the list (col 34 lines 36-65, Table 24).

Claim 26: Marpe discloses the method as in claim 1 above, and further discloses wherein the list

of action items comprises at least one of an account executive assignment notification, an

account executive personalized communication, a customer communication, a cross selling

opportunity, and a retention plan, wherein an action item comprises transmission of an email (col

18 lines 53-57: Issue Resolution Screen).

Claim 3: Marpe discloses a method comprising:

> providing a single logical physically distributed computer-based information system
>
> across one or more computer-based information systems of at least two enterprises being
>
> combined (col 9 lines 22-40); and
>
> providing a user interface to allow a user to access the single logical physically computer-
>
> based distributed information system to execute one or more pre-merger activities,
>
> merger activities and post-merger activities (col 10 lines 6-36), wherein the merger
>
> activities include customer-related integration and resources, the post-merger activities
>
> including a post-merger assessment and a measurement of one or more achieved merger
>
> synergies (col 53 lines 31-67, col 54 lines 1-67, col 55 lines 1-19).

Claim 4: Marpe discloses the method as in claim 3 above, wherein the merger activities further

comprise:

> providing customer-related communications (col 54 line 62); and

managing and planning customer support activities, the customer support activities

includes addressing one or more customer issues and concerns (col 53 lines 64-67, col 54

lines 1-66).

Claim 5: Marpe discloses the method as in claim 3 above, wherein the user interfaces are

adapted to a role of the user and a phase of the merger, wherein the user role includes an

executive of one or more customer accounts, a security feature of the user interface related to the

phase of the merger and a role of the user (col 18 lines 25-34).

Claim 6: Marpe discloses a method comprising:

facilitating consolidation of customer-related information for a first organization being

merged with a second organization, wherein the customer-related information includes

customer accounts; and the consolidation includes matching one or more customer

accounts of the organization; and

facilitating consolidation of customer-related assignments of at least one of the

organizations (col 18 lines 25-67, col 19 lines 1-67).

Claim 7: Marpe discloses the method as in claim 6 above, further comprising:

providing an exception list for non-matched customer accounts (col 18 lines 56-57); and

tracking a status of customer related engagements (col 18 lines 65-67).

Claim 8: Marpe discloses a computer program product residing on a computer readable medium

having a plurality of instructions stored thereon which, when executed by a processor, cause the

processor to perform operations (col 55 lines 50-51) including managing a merger of at least two

organizations and presenting a user interface (col 18 lines 29-31: "Executive Dashboard is a

consolidated tool that provides a means for executives to access key information in a quick and

illustrated manner.") adapted to assist customer satisfaction during a merger period (col 18 lines 38-40: "a plurality of issues relating to a merger or acquisition", lines 54-55: "projects may include customers, customer service") including one or more of: a customer satisfaction statistic, a customer satisfaction rate, a customer satisfaction survey, a movement of a customer satisfaction statistic, and a movement of a customer satisfaction rate (col 18 lines 54-56: "the projects may includes customers, customer service", 57-58: "criteria may include non started, on schedule, behind schedule, at risk").

Claim 9: Marpe discloses the computer program product as in claim 8, further comprising:

a first tool adapted to retain one or more customer accounts (col 47 lines 50-67, col 48 lines 1-20);

a second tool adapted to provide collaborative customer retention planning (col 47 lines 50-67, col 48 lines 1-20);

a third tool to provide targeted and personalized email to customers of at least one of the organizations (col 9 lines 34-37 marketing tool).

Claim 10: Marpe discloses the computer program product as in claim 9 above, wherein the second tool is adapted to provide a unified and aligned presentation of customer accounts from one or more merger customer support centers of at least one of the organizations, wherein the presentation includes customer records (col 48 lines 21-67, col 49 lines 1-67, col 50 lines 1-67, col 51 lines 1-67, col 52 lines 1-23 explanation of the two main screens of the Planning Guide application).

Claim 11: Marpe discloses a computer program product residing on a computer readable medium having a plurality of instructions stored thereon which, when executed by a processor,

cause the processor to perform operations (col 55 lines 50-51) including facilitating the

implementations of a merger of at least two organizations, for presenting a user interface, and for

facilitating (col 9 lines 22-67, col 10 lines 1-37) sales-related activities of the organization,

wherein the sales-related activities include at least one of sales consolidation, cross selling

activities, and customer retention of the organizations (col 47 lines 65-67, col 48 lines 1-20).

Claim 12: Marpe discloses the computer program product as in claim 11 above, wherein the user

interface presents at least one of a synergy, an expected impact, a realized impact, and a progress

of the expected impact; the user interface presents the progress in a graph and at least one of an

owner of the synergy, an electronic mailing link, and one or more initiatives related to the

synergy (col 18 lines 25-57).

Claim 13: Marpe discloses the computer program product of claim 11, wherein the user interface

presents information for one or more user-identified cross selling opportunities (col 9 lines 22-

67, col 10 lines 1-37, col 52 lines 30-67, col 53 lines 1-31); the information including a number

of matched customer accounts, a status, and a potential value, the potential value associated with

an external object (col 40 lines 40-58, col 3 lines 40-67, col 4-8, col 9 lines 1-20 Object Oriented

Programming).

Claim 14: Marpe discloses the computer program product of claim 11, wherein the user interface

comprises (col 47 lines 50-67, col 48-51, col 52 lines 1-29 The Planning Guide):

> a first panel adapted to address customer-related issues (Fig. 16 "Identify Stakeholder
>
> Requirements");
>
> a second panel adapted to address sales-related initiatives; the second panel including at
>
> least one of an approval button, a rejection button, a checklist of initiatives, a number of

impacted customers, a financial impact, an initiative owner, and an initiative priority

level (Fig. 16 1606 "Confirm Merger/Acquisition Value");

a third panel adapted to facilitate customer retention (Fig. 16 "Develop Initial Customer

Retention Approach"); the third panel including a measure of customer retention, one or

more retention rates, and a movement of the one or more rates;

a fourth panel adapted to facilitate customer retention (Fig. 16 "Develop Initial Customer

Retention Approach"); the fourth panel including at least one of a customer satisfaction

rate, a customer survey, and a movement of the rate; wherein the customer survey

comprises one or more external objects; and

a fifth panel adapted to facilitate a search of merger information and to facilitate

contacting one or more merger members (Fig. 16 "Search" and "Create Initial

Announcement").

Claim 15: Marpe discloses a computer program product residing on a computer readable

medium having a plurality of instructions stored thereon which, when executed by a processor,

cause the processor to perform operations (col 55 lines 50-51) including presenting a graphical

user interface adapted to allow a user to consolidate customer accounts for at least one of the

organizations, and match customer accounts from at least two merger organizations (col 18 lines

25-67, col 19 lines 1-67).

Claim 16: Marpe discloses the computer program product as in claim 15 above, wherein the

graphical user interface comprises a sorted list of customer accounts (col 43 lines 13-67, col 44-

46, col 47 lines 1-49 Contacts and Organizational Charts), a customer account value (col 43

Table 39 Title), a numerical representation of account ranking (col 43 Table 39 MemberID),

information for at least one customer service personnel from each merger organization (col 45 Table 41 Owner), information for a customer service personnel assignment relating to at least one account (col 45 Table 41 Event), the customer service personnel assignment including a cooperative assignment (col 45 Table 41 Team).

Claim 18: Marpe discloses a method for managing a merger of at least two organizations comprising:

- o presenting a user interface including information (col 10 lines 27-29, col 17 lines 44-58) relating to consolidating accounts for at least one of the merger organizations (col 9 lines 34-37, col 10 lines 17-21, col 18 lines 35-57), wherein the user interface includes at least one of a pull down window, a text box, a trigger date, and a response date (col 20-21 Table 3); and

- o presenting a template in the user interface, wherein the template includes at least one of a notification template menu, a list of action items, and an owner relating to each action item in the list (col 34 lines 9-67, col 35 lines 1-12).

Claim 19: Marpe discloses the method as in claim 18 above, wherein the list of action items comprises at least one of an account executive assignment notification, an account executive personalized communication, a customer communication, a cross selling opportunity, and a retention plan, wherein an action item includes transmission of an email (col 34 table 24, col 18 lines 53-57 Issue Resolution Screen).

Claim 20: Marpe discloses the method of claim 18 further comprising facilitating exception handling for at least one of the action items (col 34 table 24 Priority High, Medium, Low).

Claim 21: <u>Marpe</u> discloses the method of claim 18, wherein the user interface further presents at least one of a list and a graph, wherein the graph presents a time period for each listed action (Fig. 10 1002).

Claim 22: <u>Marpe</u> discloses a computer program product residing on a computer readable medium having a plurality of instructions stored thereon which, when executed by a processor, cause the processor to perform operations (col 55 lines 50-51) including implementing a services unification module (col 9 lines 17-67, col 10 lines 1-37), wherein the services unification module comprises a list of one or more user roles (col 44-45 Organization Charts), the user roles including at least one of customers, services taskforce members, service representatives, and integration project managers (col 18 lines 26-27).

Claim 23: <u>Marpe</u> discloses a system of claim 22, wherein the services unification module comprises one or more inputs, the inputs comprising: a list of customer accounts, a list of products sold to one or more customers, a list of customer-related services, a list of customer-related personnel, and a list of service providers (col 43 lines 13-67, col 44-46, col 47 lines 1-49 Creating Contacts and Organizational Charts).

Claim 24: <u>Marpe</u> discloses a system of claim 22, wherein the services unification module further comprises one or more outputs, the outputs comprising: an account services consolidation plan, a merged account repository, a customer communication, a tracking statistic, and a customer-satisfaction statistic (col 48 lines 21-67, col 49 lines 1-67, col 50 lines 1-67, col 51 lines 1-67, col 52 lines 1-23 explanation of the two main screens of the Planning Guide application).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

9.   **Claims 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Marpe.

Claim 17: Marpe discloses the computer program product as in claim 15 above, but does not

specifically disclose a second list of customer accounts related to un-matched accounts and a

clean room tool adapted for at least one stakeholder. The clean room tool, as disclosed by

applicant ([0088]) is a tool used to give these stakeholders privileged access to confidential

information. Marpe does disclose the use of passwords and usernames (col 43 Table 39). Marpe

further disclose executives accessing key information (col 18 lines 25-34) and the use of criterion

to sort data (col 18 line 45). Therefore, it would have been obvious to one of ordinary skill in the

art that the use of usernames/passwords, accessing privileged information, and filtering data

using criterion implies the necessary system structure to perform the aforementioned processes.

One would have been motivated to allow executives access to key information through use of a

username/password because executives must be able to identify and track realized benefits as

well as issues securely and quickly (col 18 lines 26-38). Further one would be motivated to

apply an un-matched accounts criterion to display a second list in order to provide executives

with detailed information regarding the company, its financials, customers, employees and

technology (col 19 lines 65-67).

Response to Arguments

10.   Applicant's arguments filed September 11, 2007 have been fully considered but they are

not persuasive.

Claims 1, 25-26: Applicant's argues (page 14 paragraph 1) that Marpe does not disclose the

searching of a 'best fit' target organization for merger/acquisition. However, as shown in the

rejection above, Marpe does anticipate a search for a best fit organization (col 53 lines 35-54:

"screening and prioritizing candidates", line 46: "selecting target(s)"). Marpe therefore

anticipates claim 1. Claims 25 and 26, which depend on claim 1, are also anticipated by Marpe

as shown in the rejections above.

Claims 3-5: Applicant argues (page 15 paragraph 1) that Marpe does not disclose a single logical

physically distributed information system of the at least two enterprises and therefore does not

anticipate independent claim 3. The examiner notes that Marpe does disclose a "centralized

server that can be accessed over a network" (col 9 lines 26-28) and further that the server

facilitates communication between merger participates (col 9 lines 34-35). Therefore, Marpe

does disclose a single logical physically distributed information system spanning the at least two

enterprises. The rejection of independent claim 3 is maintained. The rejections of claims 4 and

5, which depend on claim 3, are similarly maintained.

Claims 6-7: Applicant argues (page 15 paragraph 2, page 16 paragraph 1) that Marpe does not

disclose "matching of customer accounts". Marpe does disclose graphically outputting and

tracking the results of a merger or acquisition (col 18 line 25). Projects that are tracked include

customers (col 18 line 55). It is implicit from the ability to track issues relating to customers

involved in a merger or acquisition that querying, or "matching", must be made regarding

customer accounts of the organizations. The rejection of independent claim 6 is therefore

maintained. The rejection of claim 7, which depends on claim 6, is similarly maintained.

Claims 8-10: Applicant argues (page 16 paragraph 2) that Marpe does not disclose a user

interface adapted to assist satisfaction during a merger period nor that Marpe discloses any

specific indicia of customer satisfaction. However, as shown in the rejection of amended claim 8

above, Marpe does disclose these limitations. Claims 9 and 10, which depend on claim 8, are

similarly rejected.

Claims 11-14: Applicant argues (page 16 paragraph 3, page 17 paragraph 1) that Marpe does not

disclose sales-related activates including sales consolidation and cross selling activities.

However, Marpe does disclose sales-related activities including customer retention of the

organizations (col 47 lines 64-66: "customer retention approach"). Since claim 11 recites:

"wherein the sales-related activities includes at least one of sales consolidation, cross selling

activities, and customer retention of the organizations", the claim is in alternative form and is

anticipated by any of the structure within the scope of the claim. Therefore, Marpe does

anticipate claim 11 and the rejection is maintained. Claims 12-14, which depend on claim 11,

are rejected for similar reasons.

Claims 15-16: Applicant argues (page 17 paragraph 2, page 18 paragraph 1) that Marpe does not

disclose "matching of customer accounts". For similar reasons as with claims 6-7 above, the

rejections of claims 15-16 are maintained.

Claims 18-21: Applicant argues (page 18 paragraph 2) that Marpe does not disclose "a list of

action items". However, Marpe does disclose an Issue database wherein each Issue is assigned

to a specific team, including priorities, target dates, and recommendations regarding the issue. It

is implicit that an action is to be taken regarding these issues. Therefore, Marpe does disclose a list of actionable items as well as an owner relating to each item in the list. The rejection regarding claim 18 is therefore maintained. Claims 19-21, which depend on claim 18, are rejected for similar reasons.

Claims 22-24: Applicant argues (page 19 paragraph 1) that Marpe does not disclose "a list of user roles" nor that Marpe discloses a "list of roles" that includes at least one role for "customers, services taskforce members, service representatives, and integration project managers." However, Marpe does disclose a list of contacts, including names and titles (col 43 Table 39). Further, Marpe discloses an Organizational Chart function that is useable by both consulting and client personnel (col 44 lines 24-27). The Organizational Charts use the names in the contact lists (col 44 table 41: Owner). The Organizational Charts follow a template and therefore it is implicit from these Organizational Charts that roles are assigned to members of the various organizational branches, including clients, also known as customers, or consulting personnel, also known as integration project managers. The rejection of claim 22 is therefore maintained. Claims 23 and 24, which depend on claim 22, are rejected for similar reasons.

Claim 17: Applicant argues that Marpe does not disclose a list of un-matched accounts and it would not have been obvious to one of ordinary skill in the art to provide executives with detailed information because it is not understood that presenting such a list is necessary to facilitate a merger. However, the examiner notes that the rejection, as applied above, discusses that while Marpe fails to specifically disclose a second list of un-matched accounts, Marpe does disclose the use of authorization to tools and executives using criteria information to sort lists of key information. It would have been obvious to one having ordinary skill in the art and the

teachings of <u>Marpe</u> before them at the time the present invention was made to implement an

authorization limited tool for stakeholders and executives to browse key information such as

customer accounts, as suggested by <u>Marpe</u> (col 19 lines 65-67). As discussed with regards to

claim 6 and 15, as the customer accounts can be queried, or "matched", it is obvious that the

query can be changed by the user making the query, and as such, the criteria for results returned

can be based on what is not found by the query, i.e. not matched. The rejection of claim 17 is

therefore maintained.

Conclusion

11.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Further, Applicant's arguments with regards to the claims have been not been

found persuasive. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Tank whose telephone number is 571-270-1692. The examiner can normally be reached on Mon - Fri (Alt. Fri Off) 0730-1500 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ALT
November 20, 2007

/Kieu D. Vu/
Kieu D. Vu
Primary Examiner